

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(GREENBELT DIVISION)**

YWUANA PEDEN,

Plaintiff,

v.

BWW LAW GROUP, LLC, *et al.*,

Defendants.

Case No. 8:16cv4012-PWG

**DEFENDANT BEN PUCHALSKI'S REPLY IN SUPPORT OF HIS
MOTION TO DISMISS**

Defendant Ben Puchalski, by counsel, pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6) and 9(b), submits his Reply in support of his motion to dismiss Plaintiff's Complaint ("Motion to Dismiss") (Dkt. 27) and states as follows:

Plaintiff's Complaint is a blatant and improper attempt to unwind a Maryland state court foreclosure proceeding. Mr. Puchalski filed a Motion to Dismiss (Dkt. 27) which adopts by reference the arguments in Defendant PNMAC's Motion to Dismiss (Dkt. 11) and Defendants BWW Law Group, LLC, Carrie M. Ward, Howard N. Bierman, Joseph A. Delozier, and Claudia Menjivar's ("BWW") Motion to Dismiss (Dkt. 13).¹ In addition, Mr. Puchalski asserted in his Motion to Dismiss that Plaintiff made only conclusory allegations against Mr. Puchalski and failed to allege any facts indicating wrongdoing by Mr. Puchalski. (Dkt. 27.)

In response, Plaintiff filed an Opposition that is unresponsive to the arguments made in the various Motions to Dismiss filed by PNMAC, BWW and Mr. Puchalski. Instead, Plaintiff's

¹ Mr. Puchalski hereby adopts and incorporates by reference the arguments made in BWW's Reply in support of its Motion to Dismiss (Dkt. 28) and the arguments made in PNMAC's Reply in support of its Motion to Dismiss (Dkt. 29).

Opposition contains repetitive bald allegations that documents were forged, conclusory statements, self-styled legal “maxims” and legal jargon. (Dkt. 27.) Like Plaintiff’s Complaint, Plaintiff’s Opposition fails to allege any facts indicating wrongdoing by Mr. Puchalski.

Much like the Oppositions filed by Plaintiff in response to PNMAC and BWB’s Motions to Dismiss, Plaintiff’s Opposition to Mr. Puchalski’s Motion to Dismiss fails to dispute that 1) the *Rooker-Feldman* doctrine deprives this Court of subject matter jurisdiction; 2) Plaintiff’s Complaint is barred by the doctrine of *res judicata*; 3) Plaintiff has no standing to assert her claims after failing to list her claims in her bankruptcy proceeding; and 4) judicial estoppel bars Plaintiff’s claims after she failed to list her claims in her bankruptcy proceeding. Moreover, Plaintiff’s Opposition does not address that fact that her conclusory allegations in her Complaint fail to state a claim pursuant to Fed. R. Civ. P. 12(b)(6).

WHEREFORE, Defendant Ben Puchalski respectfully requests that this Court grant his Motion to Dismiss with prejudice.

Respectfully submitted,

BEN PUCHALSKI
By Counsel

/s/ _____
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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of July 2017, I caused a true and correct copy of the foregoing to be filed and served on all counsel of record via the court's Electronic Case Filing system, and emailed and mailed to the Plaintiff at the following addresses:

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